

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAKOTA SCOTT WILSON,

Plaintiff,

v.

**DONNIE MAC CAMERON and
TYSON FOODS, INC.,**

Defendants.

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**CIVIL NO. 4:17-cv-1573
JURY**

**DEFENDANTS DONNIE MAC CAMERON AND
TYSON FOODS, INC.'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1332, 28 U.S.C. § 1441, Federal Rule of Civil Procedure 81, and Local Rule 81, Defendants, Tyson Foods, Inc. ("Tyson") and Donnie Mac Cameron ("Cameron") (collectively "Defendants"), hereby remove to this Court the state court action described in Paragraph 1 below. Pursuant to 28 U.S.C. § 1446(a), Defendants set forth the following "short and plain statement of the grounds for removal."

A. THE REMOVED CASE

1. The removed case is a civil action filed with the 269th Judicial District Court of Harris County, Texas, on or about March 27, 2017, styled *Dakota Scott Wilson v. Donnie Mac Cameron and Tyson Foods, Inc.*, Cause No. 2017-20672 ("the State Court Action"). The case arises from an alleged automobile collision involving Plaintiff, Dakota Scott Wilson ("Plaintiff" or "Wilson"), while Cameron was employed by Tyson.

B. DOCUMENTS FROM THE REMOVED ACTION

2. Pursuant to Local Rule 81 and 28 U.S.C. § 1446(a), Defendants attach the

following documents to this Notice of Removal:

- (1) All executed process in the case;
- (2) Pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions and all answers to such pleadings;
- (3) All orders signed by the state judge;
- (4) The docket sheet; and
- (5) A list of all counsel of record, including addresses, telephone numbers and parties presented.

These documents and a corresponding index are attached to this Notice of Removal as *Exhibit A*.

C. REMOVAL IS TIMELY

3. Wilson filed the present civil lawsuit against Defendants in the 269th Judicial District Court of Harris County, Texas, on March 27, 2017. Tyson was served with Plaintiff Dakota Scott Wilson's Original Petition and Request for Disclosure ("the Original Petition") in the State Court Action on April 24, 2017. As of the date of this filing, Cameron has not yet been served with the Original Petition (although an Answer has been filed on his behalf). In the Original Petition, Plaintiff asserts a negligence cause of action against Tyson and Cameron.

D. VENUE IS PROPER

4. The United States District Court for the Southern District of Texas is the proper venue for removal of the State Court Action pursuant to 28 U.S.C. § 1441(a) because the 269th Judicial District Court of Harris County, Texas is located within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division.

E. DIVERSITY OF CITIZENSHIP EXISTS

5. This is a civil action that falls under the Court's original jurisdiction pursuant to 28 U.S.C. § 1332 and is one that may be removed to this Court based on diversity of citizenship

in accordance with 28 U.S.C. §§ 1441 and 1446.

6. As admitted in Plaintiff's Original Petition, Wilson "is a resident of Harris County, Texas."¹

7. Tyson is a foreign corporation formed under the laws of the State of Delaware. Tyson's primary place of business is in Springdale, Washington County, Arkansas. Pursuant to 28 U.S.C. § 1332(c)(1), Tyson is not a citizen of the State of Texas.

8. Cameron is an individual residing in the State of Arkansas, as admitted in Plaintiff's Original Petition.²

9. Because Wilson is a resident of the State of Texas and Tyson and Cameron are not residents of the State of Texas, complete diversity of citizenship exists pursuant to 28 U.S.C. § 1332.

F. THE AMOUNT IN CONTROVERSY REQUIREMENT IS SATISFIED

10. In the Original Petition, Wilson alleges that he is seeking "damages in excess of \$100,000."³ As such, Wilson seeks to recover damages in excess of this Court's minimum jurisdictional limits of \$75,000.

11. Based on the aforementioned facts, the current State Court Action may be removed to this Court by Defendants in accordance with the provisions of 28 U.S.C. § 1441(a) because: (i) this action is a civil action pending within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division; (ii) this action is between citizens of different states; and (iii) the amount in controversy exceeds \$75,000, exclusive of interest and costs.

¹ See, "Plaintiff Dakota Scott Wilson's Original Petition and Request for Disclosure to Defendants" at ¶ 3, a true and correct copy of which is produced herein.

² See, *id.* at ¶ 4.

³ See, *id.* at ¶ 1.

G. FILING OF REMOVAL PAPERS

12. Pursuant to 28 U.S.C. § 1446(d), Defendants are providing written notice of the filing of this Notice of Removal to all counsel of record and is filing a copy of this Notice with the Clerk of the 269th Judicial District Court of Harris County, Texas, in which this action was originally commenced.

H. CONCLUSION

13. Defendants, Tyson Foods, Inc. and Donnie Mac Cameron, hereby remove the above-captioned action from the 269th Judicial District of Harris County Texas, and request that further proceedings be conducted in the United States District Court for the Southern District of Texas, Houston Division, as provided by law.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

This is to certify that on the 23rd day of May, 2017, a true and correct copy of the foregoing has been forwarded as follows:

Via ECF
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s/ Brian J. Fisher
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